

REMARKS

These remarks are responsive to the Office Action of April 18, 2007 and the Notice of Non-Compliant Amendment of October 31, 2007. Claims 1-41 are pending. Claims 1, 4, 23, 32, and 41 have been amended. Claim 2 has been canceled. Claims 3, 8-22, 24-29, 34, 36, 37, and 39-41 have been withdrawn. Reconsideration of the application is respectfully requested. Each of the Examiner's rejections is addressed below.

Specification

The disclosure has been objected to on the following grounds:

1. On page 6, line 11, "axels" should read --axles--; and on page 6, line 12, "axel" should read --axle--.

2. At the end of the claims and Abstract, the phrase "281429" should be deleted.

The specification, Abstract, and claim set have been amended as suggested by the Examiner, and are now believed to be in proper form. An indication to that effect is respectfully requested at this time.

Claim Objections

Claims 23 and 32 have been objected to on the grounds that in claim 23, line 2, "is" should be changed to --are--; and in claim 32, line 1, "the head" should be changed to -- a head--.

Claims 23 and 32 have been amended as suggested by the Examiner and are now believed to be in proper form. An indication to that effect is respectfully requested at this time.

Section 102

Schindler

Claims 1, 2, 4, 5, 23, 30-32, 35, and 38 have been rejected under 35 U.S.C. § 102(b) over German Patent No. DE 299 12 009 to Schindler ("Schindler"). This rejection is respectfully traversed.

Schindler fails to disclose or make obvious a toothbrush having a head in the form of an open frame ring having a centrally located open area, as required by independent

claims 1 and 32. The head of Schindler is semi-cylindrical in shape; it does not have the required open frame ring having a centrally located open area.

Accordingly, the rejection is improper and should be withdrawn.

Lustig

Claims 1, 2, 4, 5, 23, 30, 32, and 38 have been rejected under 35 U.S.C. § 102(b) over French Patent No. 1147667 to Lustig ("Lustig"). This rejection is respectfully traversed.

Lustig fails to disclose or make obvious a toothbrush having a head in the form of an open frame ring having a centrally located open area, as required by independent claims 1 and 32. The head of Lustig is semi-cylindrical in shape; it does not have the required open frame ring having a centrally located open area.

Accordingly, the rejection is improper and should be withdrawn.

Lazarus

Claims 1, 2, 4-6, 23, 30, 32, 33, and 38 have been rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 1,643,217 to Lazarus ("Lazarus"). This rejection is respectfully traversed.

Lazarus fails to disclose or make obvious a toothbrush having a head in the form of an open frame ring having a centrally located open area, as required by independent claims 1 and 32. The head of Lazarus is substantially rectangular in shape; it does not have the required open frame ring having a centrally located open area.

Accordingly, the rejection is improper and should be withdrawn.

Section 103

Claim 7 has been rejected under 35 U.S.C. § 103(a) over Lazarus in view of U.S. Patent No. 1,860,894 to Lieux ("Lieux"). Lieux is cited as disclosing cleaning elements arranged along the length of a wire in a non-uniform density. This rejection is respectfully traversed.

Lieux fails to overcome the deficiencies of Lazarus noted above since Lieux fails to disclose or make obvious a toothbrush having a head in the form of an open frame ring having a centrally located open area, as required by independent claim 1, from which claim 7 depends.

Accordingly, the rejection is improper and should be withdrawn.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance. Examination of withdrawn claims 3, 8-22, 24-29, 34, 36, 37, and 39-41 is respectfully requested at this time. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,
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